

VZCZCXYZ0018
PP RUEHWEB

DE RUEHNR #2200/01 2621125
ZNR UUUUU ZZH (CCY - TEXT ADX DA3C20506A)
P 181125Z SEP 08 ZDS
FM AMEMBASSY NAIROBI
TO RUEHC/SECSTATE WASHDC PRIORITY 7080
INFO RUCNIAD/IGAD COLLECTIVE
RUEHDR/AMEMBASSY DAR ES SALAAM 6097
RUEHKH/AMEMBASSY KHARTOUM 2160
RUEHDS/AMEMBASSY ADDIS ABABA 0232
RUEHKM/AMEMBASSY KAMPALA 2960
RUEHDJ/AMEMBASSY DJIBOUTI 5389
RHMFIUU/CDR USAFRICOM STUTTGART GE
RHMFISS/HQ USAFRICOM STUTTGART GE
RHMFIUU/CDR USCENTCOM MACDILL AFB FL
RHMFIUU/CJTF HOA

UNCLAS NAIROBI 002200

C O R R E C T E D C O P Y (TEXT)

SENSITIVE
SIPDIS

STATE FOR AF/E, DRL

Reference: A. NAIROBI 869
[1](#)B. 07 Nairobi 4652

E.O. 12958: N/A
TAGS: [PGOV](#) [SOCI](#) [KDEM](#) [ASEC](#) [KE](#)
SUBJECT: KENYA'S REFORM CHALLENGE

Summary

[1](#)1. (U) On September 17, President Kibaki and Prime Minister Raila Odinga received the final report from the commission investigating the conduct of Kenya's 2007 elections. Kofi Annan was scheduled to arrive in Nairobi on September 18 to receive the report as well. This report is the first to emerge from the commissions formed in response to Kenya's post-election political crisis, and it is expected to be made public on September 19. This -- and the report of the Waki Commission on post-election violence, which is expected on or about October 22 -- will be a critically important step on Kenya's road to reform, and potentially a test for the coalition government. Isolated incidents of violence and continued hostility among populations in the Rift Valley witnessed during a recent trip by the Ambassador point to the importance of enacting the agreed-upon constitutional and other reforms to redress the problems that led to violence in the first place. Kenya's challenge will be to enact these reforms quickly without re-igniting open conflict. End Summary.

IREC Report: The First Test

[1](#)2. (U) On September 17, the Independent Review Commission (IREC, ref A), chaired by former South African Judge Johann Kriegler, presented a report detailing its findings regarding the conduct of the December 2007 General Elections. These elections, which were disputed, sparked violence that resulted in the deaths of approximately 1,500 and the displacement of over 600,000 Kenyans, predominantly in the Rift Valley Province.

[1](#)3. (SBU) President Kibaki publicly promised to make the Kriegler report public on September 19. We expect the report to focus on recommendations for the future rather than to lay blame for actions in the past. However, we also anticipate that the report will find that the electoral process lacked integrity, and that the Electoral

Commission of Kenya (ECK) bears much of the responsibility. According to members of the Commission, the report will also make a series of recommendations for electoral reform that will result in a "material transformation" (read: complete overhaul) of the ECK. The full implementation of these recommendations will be a critical step to ensuring free and fair elections in the future.

¶4. (U) The report will not pronounce on who rightfully should have won the election. Not only was this not part of IREC's mandate, but Kriegler has already said publicly that the process was so flawed that it is impossible to tell who won or lost. In this regard, the release of the report will undoubtedly be a disappointment for many Kenyans, many of whom expect the commission to render a more definitive finding on the December 27 elections.

¶5. (U) The report of the Waki Commission on post-election violence, which is expected on or about October 22, will be another important milestone. The Commission took testimony until September 2 from a wide variety of people who discussed potentially volatile issues, such as the how local leaders encouraged and funded their communities to commit violence against one another.

Need For Reform Clear

¶6. (U) Unquestionably a sense of calm has returned to Kenya since President Mwai Kibaki and Prime Minister Raila Odinga signed a political accord in February. The President and Prime Minister have both told the Ambassador the Grand Coalition Government is functioning "reasonably well," and E there is an ongoing dialogue across political lines on how to approach the constitutional and other structural reforms necessary to address the social inequities and power imbalances that contributed to the widespread violence. However, recent events have demonstrated that this calm is fragile and will likely remain so until deep and significant reforms are undertaken and reconciliation efforts begin to take root.

¶7. (U) Many Kenyans are still deeply resentful of the underlying social conditions that fuelled the violence earlier this year. Kalenjin youth told the Ambassador during an early September trip to the Rift Valley Province that political leaders have yet to address the fundamental issues that triggered the post-election violence in the first place. In their minds, the main issues are inequitable resource allocation and political power. "It's as if we (Kalenjins) own the cow, we milk it, and then (the Kikuyu) drink the milk," according to one of the youth.

¶8. (U) Other signs of discontent were visible during the Ambassador's trip. While religious organizations are key to the reconciliation process, it was clear that there are still intra- and inter-ethnic divisions among religious leaders (ref B). Also, people still residing in camps for internally displaced persons (IDPs) have protested what they claim to be non-transparent handling of government-sponsored resettlement stipends. IDPs residing in transit camps or with relatives are less visible, but still resentful of the way they have been treated. (Note: Deputy Prime Minister Uhuru Kenyatta, who traveled to the Rift Valley just before the Ambassador, told Pol FSN that he was shocked to learn that so many IDPs had not been taken care of. He used his own money to send blankets to the IDP camp in Eldoret. End Note.)

¶9. (U) As a sign of the volatility of land disputes (and the universally recognized need for land reform) an August barroom brawl between a Kikuyu man and a Maasai man that led to the Maasai man's death triggered wider clashes in the town of Maela, approximately 30 miles southeast of Naivasha in the Rift Valley Province. Since September 7, several people have been killed and hundreds displaced from

Maela, according to press reports. The underlying conflict between the two communities is a land dispute that has erupted periodically since the 1980s.

¶10. (U) The post-election violence created a new demand for small arms, which, according to a May report by the Peace and Development Network Trust (PEACENET), Kenya's well-established black market adapted to serve. Rumors are now circulating that Kenyans of different ethnicities continue to arm themselves with machetes and guns.

Comment

¶11. (U) Kenyans have reason to be proud of the rapid improvement in the security situation in the wake of the post-election crisis. Tensions that fuelled the violence earlier this year still simmer beneath the surface, however. For this reason, Kenya's leaders will have to take into consideration the potential volatility of issues such as land, resettlement, and accountability as they move forward with the reform program.

¶12. (U) The Government of Kenya does not have a strong track record of handling sensitive national issues transparently or equitably. The pre-emptive shifting of many IDPs earlier this year from well-serviced camps back to their home areas -- where many now live in makeshift transit camps -- is just one example of how far the government has to go in its dealings with the public. However, much progress has been made since 1994, when security forces chased IDPs away from Maela at gunpoint.

¶13. (U) If the Grand Coalition Government is to shepherd through meaningful reform without re-igniting conflict, it will have to be especially sensitive to potential trigger points. We are reaching out to leaders in politics, business, and civil society, and urging them to set the example by encouraging their followers to keep up the pressure for reforms, but to do so peacefully.

RANNEBERGER